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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 31 December 2004 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Canada to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to his note of 21 June 2004.

In response to that note, the Mission encloses herewith the first report of Canada on the measures it has taken or contemplates taking to implement the resolution mentioned above (see annex).

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Annex to the note verbale dated 31 December 2004 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report by Canada to the committee established pursuant to resolution 1540 (2004)

Measures taken by the Government of Canada

Operative Paragraph 1: Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

1. Canada does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under Canadian law. Appropriate Canadian legislation is detailed below in this report.

2. On April 27, 2004, the Government of Canada tabled in parliament Canada=s first comprehensive statement on national security. *Securing An Open Society: Canada=s National Security Policy*, sets out an integrated strategy and action plan designed to address current and future threats. Based on the current threat environment, Canada has placed the highest priority on, *inter alia*, countering international terrorism and preventing the proliferation of weapons of mass destruction. The statement can be found at: http://pm.gc.ca/eng/news.asp?id=186.

3. On September 22, 2004, Prime Minister Paul Martin addressed the United Nations General Assembly and reaffirmed Canada=s longstanding commitment to strengthened international efforts to ensure that weapons of mass destruction do not spread to states or terrorists prepared to use them under any circumstances, and especially against innocent civilians. Non-proliferation and disarmament remain fundamental pillars of the UN=s role in international peace and security.

Operative Paragraph 2: Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

4. Canada=s obligations to the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (CWC) and the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction* (BTWC) are fully implemented in Canadian Law. *(n.b.:* All appropriate Canadian legislation and regulations can be found at: http://laws.justice.gc.ca/en/title/A.html.)

5. Key provisions of the ***Nuclear Safety and Control Act (1997, c. 9)***, which came into force May 31, 2000 are:

- The preamble asserts that it is essential in the national and international interests to regulate the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information; and that it is essential in the national interest that consistent national and international standards be applied to the development, production and use of nuclear energy.

- Section 3 provides that the purpose is to provide for: (a) the limitation, to a reasonable level and in a manner consistent with Canada's international obligations, of risks to national security, health and safety of persons and the environment that are associated with the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information; and (b) the implementation in Canada of measures to which Canada has agreed respecting international control of the development, production and use of nuclear energy, including the non-proliferation of nuclear weapons and nuclear explosive devices.

- Section 8 establishes a national nuclear regulatory authority, the Canadian Nuclear Safety Commission, for the purpose of administering the ***Nuclear Safety and Control Act*** (NSCA), including preventing unreasonable risk to national security associated with the development, production, possession or use of nuclear energy or nuclear substances, and achieving conformity with measures of control and international obligations to which Canada has agreed (section 9).

- Section 26 prohibits any person from carrying out specified activities involving nuclear substances and prescribed equipment and information, including their import or export, except in accordance with a licence issued pursuant to section 24(2). A comprehensive licensing and compliance regime exists to administer these regulatory controls.

- Under section 24(4), a licence may not be issued, renewed, amended or replaced unless the applicant makes adequate provision for the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Section 24(5) provides for the specification of related terms and conditions in a licence that are considered necessary for the purposes of the Act.

- Section 48 establishes offences under the NSCA, including failure to comply in relation to section 26, section 24, and the Act and regulations made pursuant to the Act.

- Section 50 makes it an offence for a person, other than authorised by the Act, to possess a nuclear substance, prescribed equipment or prescribed information that is capable of being used to produce a nuclear weapon or a nuclear explosive device.

- Section 56 provides for extra-territorial prosecution jurisdiction with respect to Canadian licensees who commit licensing offences outside Canada.

- Regulations: Section 44 provides for the making of regulations by the Canadian Nuclear Safety Commission, including those respecting measures to implement Canada's international obligations, and to ensure the maintenance of national security and compliance with Canada's international obligations, in the development, production and use of nuclear energy and the production, use, possession, packaging, transport, storage and disposal of nuclear substances and prescribed equipment and information. These include regulations to control the import and export of controlled nuclear substances, equipment and information.

- Enforcement: section 51 provides that the above offences are punishable by a maximum fine of $1,000,000, five years= imprisonment (10 years with respect to section 50), or both (on indictment) or a maximum fine of $500,000 or 18 months= imprisonment, or both (by way of summary conviction).

6. Key provisions of the ***Chemical Weapons Convention Implementation Act (1995, c. 25)*** are:

- Section 4 provides that the purpose of the Act is to implement Canada=s obligations under the CWC.

- Section 2 (2) provides that words and expressions have the same meaning as in the CWC, with the result that Achemical weapon@ includes chemical weapons and their means of delivery.

- Section 6 establishes offences for a) developing, producing, acquiring, stockpiling, retaining or directly or indirectly transferring a chemical weapon; b) using a chemical weapon; c) engaging in military preparations to use a chemical weapon; and d) assigning, encouraging or inducing anyone to engage in an activity prohibited to a State Party under the CWC.

- Section 8 establishes an offence for producing, using, acquiring, possessing, exporting or importing a toxic chemical or precursor in Schedule 1 of the Schedules of Chemicals in the Annex on Chemicals in the CWC.

- Sections 9 and 10 provide additional offences for exporting or importing toxic chemicals or precursors listed in Schedule 2, and 3, respectively of those Schedules of Chemicals.

- Sections 20 to 26 provide for enforcement. Section 20 provides that offences are punishable by way of dual procedure (maximum fine of $5000 or five years imprisonment, or both if prosecuted by way of summary conviction; maximum fine of $500,000 or five years imprisonment or both, if prosecuted on indictment). Section 22 establishes extraterritorial prosecution jurisdiction for acts or omissions committed outside Canada by Canadian citizens or permanent residents.

7. Key provisions of the ***Biological and Toxin Weapons Convention Implementation Act (2004, c.15, Part 23)***, assented to May, 2004 - (not yet in force) are:

- Section 3 provides that the purpose of this Act is to fulfil Canada's obligations under the BTWC.

- Section 6 creates offences for developing, producing, retaining, stockpiling, acquiring, possessing, using or transferring toxins, microbial and biological agents and their means of delivery.

- Section 7 creates an offence for importing or exporting a microbial or biological agent or toxin, except as authorized by the ***Export and Import Permits Act***.

- Sections 8 to 16 provide for enforcement. Section 14 provides that offences are punishable by a fine of up to $1,000,000 or imprisonment for not more than 10 years, or both.

8. Key provisions of the ***Criminal Code (R.S. 1985, c. C-46)***

- *nota:* Section 34 of the ***Interpretation Act***[i] is interpreted to mean that the Aparty@ and Aattempts@ provisions of the ***Criminal Code***[ii] also apply to offences created under the above statutes, to those who commit the act or omission, as well as accomplices and those who assist or attempt the act or omission.

- There are specific ***Criminal Code*** offences that could, depending on the circumstances, pertain to the shipment of items of proliferation concern.

- Under AOffences against Rights of Property@ and AFraudulent Transactions@, these crimes could include section 334: Theft; section 341: For a fraudulent purpose, taking, obtaining, removing or concealing anything; section 344: Robbery; section 346: Extortion; section 362(1)(a): By a false pretense, obtaining anything in respect of which the offence of theft may be committed or causes it to be delivered to another person; section 380: Fraud; section 423: Intimidation; section 264.1 (1)(a), (b): Knowingly uttering, conveying or causing any person to receive a threat (a) to cause death or bodily harm to a person; or (b) to burn, destroy or damage real or personal property.

- Subsections 7(3.2)-(3.6)[11] of the ***Criminal Code*** provide for extraterritorial enforcement jurisdiction over certain crimes in relation to nuclear material.
- Under ATerrorism@: Subsection 83.01(1) sets out key definitions, including those of Aterrorist activity@ and Aterrorist group@. Crimes could include the following:
  - s. 83.02: Wilfully providing property intending that it be used or knowing it will be used to carry out (a) an act or omission constituting an offence referred to in subparagraphs (a)(i) to (ix) in the definition of "terrorist activity" (as defined in ss.83.01(1)) of the Code) or (b) generally, an act or omission intended to cause death or serious bodily harm if the purpose is to compel a government or international organization to do or refrain from doing any act.
  - s. 83.03: Collecting, providing, inviting a person to provide, or making available property or financial or other related services (a) intending that they be used or knowing they will be used for the purpose of facilitating or carrying out any "terrorist activity" or for the purpose of benefitting anyone who is facilitating or carrying out a terrorist activity; or (b) knowing that they will be used by, or will benefit a terrorist group.
  - s. 83.04: (a) Using property for purpose of facilitating or carrying out a terrorist activity; or (b) Possessing property intending that it be used or knowing it will be used for the purpose of facilitating or carrying out a terrorist activity.
  - Ss. 83.05-7: Procedure for listing an entity under the ***Criminal Code***, where the Governor in Council is satisfied there are reasonable grounds to believe that (a) the entity has knowingly carried out or attempted to carry out, participated in or facilitated a terrorist activity; or (b) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in para. (a). It is not a crime to be a listed entity. However, once listed, the entity then falls within the definition of a Aterrorist group@, which is defined in s. 83.01(1) of the Code (see para. (b) of that definition.).
  - s. 83.08: Knowingly (a) dealing in any property that is owned or controlled by a terrorist group; (b) entering into or facilitating any transaction in respect of any property referred to in para.(a); or (c) providing any financial or related services in respect of property referred to in para. (a) to, for the benefit of, or at the direction of, a terrorist group.
  - ss. 83.13, 83.14: Procedure for applying to a judge for an order for the seizure and forfeiture of (a) property owned or controlled by or on behalf of a terrorist group; or (b) property that has been or will be used to facilitate or carry out a terrorist activity.

- s. 83.18: Knowingly participating in or contributing to any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity.

- s. 83.19: Knowingly facilitating a terrorist activity.

- s. 83.21: Knowingly instructing any person to carry out any activity for the benefit of, at the direction of, or in association with a terrorist group, for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity.

- s. 83.22: Knowingly instructing any person to carry out a terrorist activity.

- s. 83.23: Knowingly harbouring or concealing any person known to be a person who has carried out or who is likely to carry out a terrorist activity, for the purpose of enabling the person to facilitate or carry out any terrorist activity.

- s. 83.22 provides that everyone who commits an indictable offence (for example, first degree murder) under the ***Criminal Code*** or any other Act of Parliament for the benefit of, at the direction of, or in association with a terrorist group, is liable to imprisonment for life.

- Extraterritorial jurisdiction is provided for in ss. 7(3.73)-(3.75)[iv].

- For additional, more comprehensive information about Canada=s ***Anti-terrorism Act***, please go to the Reports submitted by Canada to the UN Security Council=s Counter-Terrorism Committee, available at: *http://www.un.org/Docs/sc/committees/1373/reports.html*

- Under AWilful and Forbidden Acts (Property)@: Section 431.2(1) defines Aexplosive or other lethal device@ to mean: (a) an explosive or incendiary weapon or device that is designed to cause, or is capable of causing, death, serious bodily injury or substantial material damage; or (b) a weapon or device that is designed to cause, or is capable of causing. Death or serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances, or radiation or radioactive material.

- Subsection 431.2(1)(2) makes it a crime to deliver, place, discharge or detonate an explosive or other lethal device to, in or against a place of public use, a government or public facility, etc., with intent to cause death or serious bodily injury or with intent to cause serious destruction of such a place, etc..

- Extraterritorial jurisdiction is provided for in subsection 7(3.72)[v].

- Under AOffences Against Public Order@: AExplosive substance@ is defined in s. 2 of the ***Criminal Code*** to include (a) anything used to make an explosive device, and b) anything used or intended to be used or adapted to cause, or to aid in causing an explosion in or with an explosive substance. Thus, it catches a delivery system.
  - s. 77: Includes using a weapon, substance or device that destroys or causes serious damage to the facilities of an airport serving international civil aviation that endangers or is likely to endanger safety at the airport.
  - s.78: Taking an offensive weapon or any explosive substance on board a civil aircraft without the consent of an owner or operator of the aircraft.
  - s.80: Crime of breach of duty re: s.79 (duty to take reasonable care to prevent death or bodily harm to persons or damage to property when in possession of an explosive substance).
  - s. 81: Crime of using explosives. This crime includes making or having in one=s possession or having under one=s care or control any explosive substance with intent to endanger life or to cause serious damage to property or to enable another person to do so.
  - s. 82: Includes making or possessing or having care or control of any explosive substance.
- Under AFirearms and Other Weapons@: section 2 of the ***Criminal Code*** defines Aweapon= to mean anything used, designed to be used or intended for use: (a) in causing death or injury to any person; or b) for the purpose of threatening or intimidating any person, ands includes a firearm.
  - Crimes include s. 88: Possession of a weapon for a dangerous purpose.

Operative paragraph 3: Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

9. The Canadian Nuclear Safety Commission (CNSC) regulates the use of nuclear energy and materials to protect health, safety, security, and the environment and to respect Canada=s international commitments on the peaceful use of nuclear energy, including the non-proliferation of nuclear weapons and nuclear explosive devices.

10. The ***Nuclear Safety and Control Act*** (NSCA) came into force May 31, 2000, for the purpose of regulating the use of nuclear energy and nuclear materials in Canada, and including the implementation of relevant international measures to which Canada has agreed. The NSCA established a national nuclear regulatory authority, the Canadian Nuclear Safety Commission (CNSC), for the purpose of administering the Act. Key provisions of the NSCA are described in section 5 of this Report. Regulations made under the NSCA provide for the regulatory control and licensing of the production, use, storage and transport of nuclear materials, including their import and export. The CNSC maintains a national system of accounting for and controlling nuclear material in Canada under safeguards, pursuant to its responsibilities for implementing the Canada-IAEA (International Atomic Energy Agency) Safeguards Agreement and Additional Protocol. The CNSC cooperates with the IAEA to facilitate the monitoring and inspection activities of IAEA inspectors in Canada. The CNSC ensures through its regulatory process that licensees have in place appropriate policies and procedures that include the reporting and monitoring of nuclear material and nuclear activities.

11. Canada is a strong and active supporter of international efforts to strengthen nuclear safety and security. Canada is a signatory to a number of international Conventions that are designed to promote the safe and secure uses of nuclear materials and technology, including the Joint *Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management* (the Joint Convention), and the *Convention on Nuclear Safety* (CNS). The CNSC is responsible for assuring the implementation of Canadian commitments under these Conventions, including the preparation of National Reports. Canada is involved in efforts to strengthen the *Convention on the Physical Protection of Nuclear Material*.

12. In fulfilment of Canada's commitments as a signatory of the Joint Convention, Canada's National Report was presented at the First Review Meeting of the Contracting Parties in November 2003 (Vienna). The Canadian delegation was headed by the CNSC, and included representatives from government and the nuclear industry. The Third Review Meeting of the Contracting Parties under the Convention on Nuclear Safety will be held in April 2005 in Vienna and will be chaired by the President of the CNSC. Canada's third National Report has been prepared by the CNSC, with input from government and the nuclear industry.

13. The ***Biological and Toxin Weapons Convention Implementation Act***, section 20, authorizes regulations respecting conditions for developing, producing, retaining, stockpiling, acquiring, possessing, using or transferring microbial or other biological agents or toxins.

14. The Canadian Food Inspection Agency (CFIA) has under its mandate several acts, including the ***Health of Animals Act***, the ***Plant Protection Act*** and the ***Fertilizers Act***. These acts prescribe potentially dangerous zoonotic or botanical pathogens or agents that have been imported into Canada and must thereafter be monitored. The movement of these dangerous vectors or agents in Canada is also regulated. Declarations are required for the importation of zoonotic pathogens and for those facilities that deal with them. Health Canada=s legislation in this area is primarily found under the Human Pathogens Importation Regulations. An application to import human pathogens into Canada must be submitted to Health Canada. After evaluation and approval by Health Canada, an importation permit will be issued which must accompany the shipment of the pathogen into Canada. A single- or multiple-entry permit will be issued according to the particular situation. Section 16 of the regulations states that research on the imported pathogens at biosafety level 3 or 4 must be conducted at the facility indicated on the application permit, and that applications must be made for subsequent transfers, which must receive approval by Health Canada. The importation forms are used to assess the types

and quantities of pathogen being imported; the location and physical infrastructure of the facilities which will use the pathogen; the method to be used for disposal of the pathogen; and an outline of the work/research objectives vis-à-vis the various agents. Implementation of the regulations is carried out by the Office of Laboratory Security (OLS) in Health Canada.

15. Currently, the OLS and associated inspectorates collaborate closely with the CFIA in areas such as cross-certification of laboratories. Health Canada is currently examining the prospects for new legislation, the ***Biosafety of Toxins Human Pathogens Act***, which could have greater scope in terms of its provisions for monitoring imported and domestic agents.

16. Transport Canada is the focal point for the national program to promote public safety during the transportation of dangerous goods such as high containment biological agents or pathogens. The department's Transport Dangerous Goods Directorate serves as the major source of regulatory development, information and guidance on dangerous goods transport. Through its various components, the Directorate works closely with other federal and provincial agencies to implement the safety program.

17. ***Chemical Weapons Convention Implementation Act***, paragraph 18 (a), authorizes regulations regarding conditions for producing, using, acquiring or possessing a toxic chemical or precursor.

18. The Government of Canada has an extensive Export Controls program that includes assessment, monitoring, targeting, interception procedures and enforcement actions. Several agencies of the Government of Canada's enforcement and intelligence communities share these responsibilities. The Department of International Trade is responsible for authorization, while the CNSC evaluates and licences the export and import of nuclear and nuclear related dual-use materials, equipment and technology. The Customs Border Services Agency (CBSA) is responsible for enforcement.

19. The ***Security of Information Act (R.S., c. O-5)*** makes it an offence to be in or near a prohibited place (including defence works and places declared by the Governor in Council (GiC) to be prohibited places, on the basis that information about or damage to them would be useful to a foreign power), at the direction of, for the benefit of or in association with a foreign entity or terrorist group, for a purpose prejudicial to the safety or interests of the State (which includes, contrary to an international instrument to which Canada is a party, developing or using anything with the capacity to cause death or serious bodily injury to a significant number of people by means of toxic chemicals or precursors, biological agents or toxins, radiation or radioactivity or doing or omitting to do anything in preparation for such an activity).

20. The Act also provides offences for communicating to a foreign entity or terrorist group information the Government of Canada is safeguarding, criminalizes preparatory acts and provides for extraterritorial prosecution jurisdiction.

(b) Develop and maintain appropriate effective physical protection measures;

21. Ensuring the security of nuclear material and preventing its diversion from legitimate use is a Canadian priority. Canada believes that an effective strategy to address illicit trafficking in nuclear material must include strengthened security measures to prevent its theft; improve

international co-operation to detect and prevent illicit transportation and measures to discourage potential proliferant states or groups from acquiring nuclear weapons by addressing the underlying security and other motivations for acquiring these weapons.

22. The CNSC monitors and assesses the effectiveness of licensees' physical protection measures for nuclear facilities and material to ensure compliance with the *Nuclear Security Regulations* and other regulations issued under the ***Nuclear Safety and Control Act***. The *Nuclear Security Regulations* detail the physical protection measures which licensees must establish to address security issues, including the theft of sensitive nuclear material and the protection of nuclear facilities from sabotage. Since the terrorist incidents of September 11, 2001, the CNSC has undertaken a complete review of physical protection measures of all nuclear facilities. This review resulted in several physical protection enhancements being implemented at nuclear facilities to reduce risk. The CNSC continues to assess and evaluate the physical protection program at nuclear facilities and is in the process of amending the *Nuclear Security Regulations* to enhance their effectiveness.

23. In 2004, by authority of the Minister of Health, Population and Public Health Branch, Centre for Emergency Preparedness and Response, the Government of Canada published the 3rd edition of the *Laboratory Biosafety Guidelines*, which outlines recommendations for physical protection, personnel suitability/reliability, pathogen accountability and biosecurity incident and emergency response. The development of this document paralleled the production of the 2nd edition of the Canadian Food Inspection Agency=s *Containment Standards for Veterinary Facilities*, with the goal of including similar containment requirements where possible in the two documents. The guidelines can be found at the following website: http://www.phac-aspc.gc.ca/ols-bsl/pdf/lbg_2004_e.pdf.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

24. The ***Customs Act, R.S.1985, c.1 (2nd. Supp.)*** provides sections on enforcement and forfeitures that authorize the Canadian Border Security Agency to take enforcement and all necessary actions to prohibit the illicit trafficking in controlled goods. Key provisions of the ***Customs Act*** include:

- Enforcement: s. 98. (1) - Search of the person; s. 99. (1) - Examination of goods; s. 99. 1 (1) - Powers of officer; s. 100. (1) - Officer stationed on board conveyance; s. 101. - Detention of controlled goods; s. 102. (1) - Disposition of illegally imported goods; s. 107 - Disclosure of information; s. 107. (8) - Providing customs information to other governments; s. 110. - Seizure of goods or conveyances and s. 119.1(1) - Dealing with goods seized.

- Forfeiture: ss. 122 - 169 Gives the CBSA the power to forfeit and dispose of any illegally imported good.

25. Canada is an active participant in and fully supports the Proliferation Security Initiative (PSI), the purpose of which is to build on existing mechanisms and to create new and effective tools to prevent the proliferation of WMD and missiles, consistent with national authorities and relevant international law. To this end, Canada continues to review its domestic legal authorities as they relate to the non-proliferation of WMD and their means of delivery.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

26. ***The Export and Import Permits Act, R.S., c E - 17***, was enacted by the Canadian Government to deal with the export of strategic and other goods. To this end, it satisfies the requirement for the establishment, development, review and the maintenance of appropriate effective national export and transhipment controls.

27. Some key provisions of the ***Export and Import Permits Act*** are:

- Section 3 provides for export control list of goods: "The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which the Governor in Council deems it necessary to control for any of the following purposes: (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production therefore or otherwise having a strategic nature or value will not be made available to any destination where their use might be detrimental to the security of Canada".

- Section 4 provides for export control list of countries: AThe Governor in Council may establish a list of countries, to be called an Automatic Firearms Country Control List, including therein any country to which the Governor in Council deems it appropriate to permit the export of any goods".

- Section 12 provides for regulations: AAuthorizes the Governor in Council to make regulations with regards to the Export and Import Permit Act@.

- Section 13 provides for prohibitions (export or attempt to export): "No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of an in accordance with an export permit issued under this Act".

- Section 14 provides for further prohibitions (import or attempt to import): "No person shall import of attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act".
- Section 19 (1) provides for offence and penalty: "Every person who contravenes any provision of this Act or the regulations is guilty of (a) an offence punishable on summary conviction and liable to a fine not exceeding twenty - five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both; or (b) an indictable offence and liable to a fine in an amount that is in the discretion of the court or to imprisonment for a term not exceeding ten years, or to both".

28. The ***Proceeds of Crime (Money Laundering) and Terrorist Financing Act, 2000, C. 17, s. 1;2001, c.41, s.48*** facilitates combating the laundering of proceeds of crime and combating the financing of terrorist activities. Key provisions of the Act: s. 13 Decision not to proceed with importing or exporting; s. 15. (1) Search of the person; s. 16. (1) Search of conveyance, s. 18. (1) Seizure and forfeiture.

Operative paragraph 6: Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

29. The ***Export and Import Permits Act*** authorizes the establishment, maintenance and enforcement of national control lists. Specifically the Act stipulates:

- Section 3: AThe Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which the Governor in Council deems it necessary to control for any of the following purposes: (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination where their use might be detrimental to the security of Canada; and (d) to implement an intergovernmental arrangement or commitment@.

- Section 4: AThe Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country to which the Governor in Council deems it necessary to control the export of any goods.@

- Section 5 (1): AThe Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which the Governor in Council deems it necessary to control for any of the following purposes: Y(c.1) to restrict the importation of arms, ammunition, implements or munitions of war, army, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof; Y(e) to implement an intergovernmental arrangement or commitment.@

30. As required under the ***Export and Imports Permits Act***, International Trade Canada maintains Canada=s *Export Control List* (ECL), in consultation with Foreign Affairs Canada, National Defence and other departments and agencies. Canada=s *Export Control List* can be found at: http://www.dfait-maeci.gc.ca/trade/eicb/military/content-en.asp.

31. Canada participates actively in multilateral export control regimes and arrangements and implements its national export controls in accordance with the guidelines and control lists of the following regimes:

- the Australia Group
- the Missile Technology Control Regime
- the Nuclear Supplier Group
- the Wassenaar Arrangement
- the Zangger Committee

32. In 2002, Canada implemented >catch-all= controls that cover the export of any goods and technology not listed elsewhere on the ECL. ECL item 5505 - Goods for Certain Uses - imposes a permit requirement on any goods and related technology if it is determined that the goods or technology are destined to an end-use or end-user involved in the development or production of chemical, biological or nuclear weapons or weapons of mass destruction (WMD), or their missile delivery systems. Before exporting any goods or technology, exporters must assure themselves that their export is not being transferred, directly or indirectly, to a WMD end-use/end-user.

33. Further information on Canadian Government Departments and Agencies referred to in this report can be found at: http://canada.gc.ca/depts/major/depind_e.html.

Operative paragraph 7: Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

34. Canada receives numerous requests from countries to assist them in implementing the new international security standards to counter terrorism. In the globalized world of today, the security of Canada and of Canadian, both at home and abroad, is intrinsically linked to the capacity of other countries to ensure their own security. This is why the Government of Canada announced in April 2004, as part of Canada=s *National Security Policy*, the creation of a permanent **Counter-Terrorism Capacity Building Program** to be administered by Foreign Affairs Canada, with the participation of 17 other federal departments and agencies. Through this program, Canada will provide counter-terrorism related training, resources and expertise to partner states to enable them to prevent and respond to terrorist activity, in a manner consistent with international human rights and other norms and standards.

35. Subject to request and availability of expert resources, Canada could provide the following types of assistance to fight CBRN terrorism through the Counter-Terrorism Capacity Building Program: legislative drafting and legal policy assistance related to the ratification and implementation of non-proliferation and arms control-related conventions (e.g. the CWC and

the BTWC); health security initiatives with bio-terrorism applications such as the establishment of disease surveillance systems; export controls training; training in biosafety/security standards; detection and decontamination of chemical, biological and radiological terror agents; food safety, animal and plant health initiatives; nuclear non-proliferation safeguards; nuclear and radioactive material accountancy and control; and physical protection of nuclear plants and materials.

36. Canada conducted extensive outreach activities during its chairmanship of the Missile Technology Control Regime (MTCR) in 2001-2002. More recently, Canada participated in an MTCR outreach visit to China in June 2004 to discuss effective implementation of export control and law enforcement mechanisms. Canada maintains the Regime=s website in order to contribute to a broader understanding of the MTCR. Foreign Affairs Canada plans to translate the MTCR Guidelines into other languages as a contribution to further outreach efforts. During the past year, Canada also conducted both solo and joint démarches in support of the universalization of the Hague Code of Conduct (HCOC) and the UN Resolution welcoming the Code. In October 2004, Canada co-sponsored with Italy and Chile an international seminar on HCOC in Santiago aimed at increasing subscription to and understanding of the Code in Latin America and the Caribbean.

Operative paragraph 8: Calls upon all States: (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

37. Canada=s longstanding policy is the universal adoption, full implementation and continuous strengthening of non-proliferation, arms control and disarmament norms and mechanisms. In April 2004, Canada=s Minister of Foreign Affairs reaffirmed the Government of Canada's view that the architecture of non-proliferation, arms control and disarmament is an indispensable pillar of national security for all countries and that, for non-proliferation to succeed over the long term, it is critical to address the underlying motivations for the acquisition of missiles and WMD. It is also Canada=s view that the international community must keep in mind the goal of completely eliminating nuclear weapons and other weapons of mass destruction.

38. Canada fully supported the Security Council=s adoption of resolution 1540 (2004) and the need to address the issue of proliferation of WMD and the threat it poses to international peace and security. Canada strongly supports efforts that will help the international community confront the proliferation challenge, that respects the rights and obligations of States under current international treaties and that encourages the international community to use its energy and creativity to improve and build on the complex structure of non-proliferation, arms controls and disarmament regimes and mechanisms that have been established over the past 50 years. Foreign Affairs Canada maintains a website devoted to information on Canada=s non-proliferation, arms control and disarmament policies. The website can be found at: http://www.disarmament.gc.ca.

39. In his address to the United Nations General Assembly, Prime Minster Paul Martin called on the UN Conference on Disarmament, charged with the responsibility for negotiating new multilateral instruments, to get back to productive work.

40. Canada also advocates the strengthening of multilateral compliance and verification regimes, including both reinforcement of existing treaty-based implementing mechanisms such as nuclear safeguards implemented by the International Atomic Energy Agency (IAEA) and the work of the Organization for the Prohibition of Chemical Weapons (OPCW), and also the generation of new mechanisms.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

41. Canada has adopted national rules and regulations to ensure its full compliance with its non-proliferation, arms control and disarmament obligations and commitments. These are detailed in other sections of this report.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

42. Canada continues to provide full support for the aims and activities of the IAEA, as a state party and a permanent member of the Board of Governors, which Canada is chairing from September 2004 to October 2005. In today=s evolving security environment, IAEA safeguards are more important than ever before to verify that nuclear material, equipment and technology are only used for peaceful purposes. Canada strongly supports the universalization of safeguards, including the Additional Protocol. Canada is also a strong supporter and the second largest donor to the IAEA's Nuclear Security Fund, which is working to prevent the threat of nuclear terrorism. Canada remains firm in its resolve to ensure that current and potential threats to the nuclear non-proliferation regime are fully addressed.

43. Canada continues to provide full support for the OPCW as a state party. *The Chemical Weapons Convention* (CWC) remains for Canada a significant and essential instrument of international security as the first multilateral treaty to ban an entire category of weapons of mass destruction and to provide for the international verification of the destruction of these weapons. Although very much a work in progress, the CWC serves the international community as a vital instrument of international security. As such, it deserves the strong support of all members of the international community.

44. As a state party to the *Biological and Toxin Weapons Convention* (BTWC), Canada continues to provide its full support to actions that will strengthen, and render fully effective, the norms against bio-weapons. The BTWC remains the key to this objective, and international cooperation is essential for its realization. In support of the norm against bio-weapons, Canada is engaged in varied activities under the auspices of regional and multilateral fora: the G8

(bioterrorism initiatives); APEC (health and food security initiatives); the OAS (declaration of the Americas as a CBW free zone) and the OECD (promoting responsible stewardship in the life-sciences). Canada strongly encourages all states to support and cooperate with international organizations such as the WHO, the OIE and the FAO regarding their programmes of work and how these can complement the mandate of the BTWC. Canada also notes the WHO's current work on revising the International Health Regulations to facilitate the identification of, and response to, public health events of international concern.

45. Canada has also pledged $1 billion to the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched at the G8 Summit in Kananaskis, Canada in June 2002, which other countries have since joined. As a member of the Global Partnership, Canada is firmly committed to making a significant and sustained contribution to redirecting former weapons scientists into peaceful research, destroying chemical weapons, dismantling nuclear submarines and disposing of fissile materials. In March 2004, Canada acceded to the International Science and Technology Centre in Moscow.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

46. In the nuclear sphere, the relevant federal Government departments and agencies responsible for the import and export of nuclear and nuclear-related dual-use items have established outreach programmes aimed at providing general information to their main stakeholders and clients on the Canadian Government's nuclear non-proliferation policy and obligations and the resulting legal and regulatory requirements with regard to imports and exports of such items. These outreach efforts are pursued individually by the departments and agencies concerned, and on a collaborative basis. These activities are also supplemented, as required, by additional, specifically-targeted outreach activities.

47. The Canadian National Authority for the CWC pursues an active program of outreach to the Canadian chemical industry, research institutions and universities on Canada's obligations under the CWC. A web site has been created to advise interested parties of these obligations, and to direct them to the National Authority for any additional information: http://www.dfait-maeci.gc.ca/nndi-agency/cwc_index-en.asp.

48. Outreach to and consultation with other government departments, industry and academia will be an integral aspect of the implementation process of the newly enacted ***Biological and Toxin Weapons Convention Implementation Act*** (BTWCIA). In fulfilling Canada=s obligations under the BTWC, industry, government and academia will be informed on any new requirements that may be implemented under the Act.

Operative paragraph 9: Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

49. Canada will co-host with Singapore an ASEAN Regional Forum (ARF) Export Licensing Experts Meeting at the end of 2005, in Singapore. This meeting will exchange national experiences in licensing the transfer of goods, software and technology to ensure that such items do not contribute to the proliferation of weapons of mass destruction or their delivery systems. It will complement the senior-level work already underway in the ASTOP (Asian

Senior-level Talks on Proliferation), by bringing together the officials who administer their national export licensing process for a technical discussion.

50. On an annual basis, the Foreign Affairs Canada holds consultations with civil society to address topical non-proliferation and disarmament issues. The International Security Research and Outreach Program of Foreign Affairs Canada constitutes a focal point for original research and assessment relevant to international security issues, including non-proliferation, arms control and disarmament, verification and confidence-building measures. The Programme draws together in-house capability, resources from other government departments and a network of expertise from the academic community and other knowledgeable individuals in Canada and abroad. Canada also supports independent graduate-level research through several Doctoral and Masters-level research awards, offered in collaboration with the Simons Centre for Peace and Disarmament Studies at the University of British Columbia. More information on the research awards and the International Security Research and Outreach Program can be found at: http://www.dfait-maeci.gc.ca/arms/isrop/menu-en.asp.

Operative paragraph 10: Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

51. Canada has been active in promoting voluntary or politically-binding measures such as the Hague Code of Conduct (HCOC) on ballistic missiles, the UN Conventional Arms Register (UNCAR) and export control regimes set up to restrain transfers of materials and technology that could contribute to proliferation of WMD and their delivery systems, as well as other destabilising weaponry. These regimes include the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australia Group on chemical and biological weapons and the Wassenaar arrangement on conventional weapons.

52. Canada is an active participant in the PSI and supports the PSI *Statement of Principles* that underpin that cooperation. As a PSI participant, Canada continues to promote the strengthening of international export control regimes and export safety and national control measures, to ensure that exports do not contribute to WMD proliferation. As part of Canada=s contribution to PSI outreach and cooperation, my Government has launched, as a Canadian initiative a web site on the world-wide web, which contains factual information about the PSI. The web site can be found at: www.proliferationsecurity.info.

53. Canada is involved in efforts to strengthen the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, as well as its protocol on fixed platforms. At the IMO, Canada strongly supports discussions leading to an agreed inclusion of new offences involving the maritime transport of chemical, biological and nuclear weapons and their means of delivery.

1. Section 34 of the Interpretation Act provides that: (1) Where an enactment (including 3 statutes referred to above) creates an offence, (a) the offence is deemed to be an indictable offence if the enactment provides that the offender may be prosecuted for the offence by indictment; (b) the offence is deemed to be one for which the offender is punishable on summary conviction if there is nothing in the context to indicate that the offence is an indictable offence; and (c) if the offence is one for which the offender may be prosecuted by indictment or for which the offender is punishable on summary conviction, no person shall be considered to have been convicted of an indictable offence by reason only of having been convicted of the offence on summary conviction; (2) All the provisions of the Criminal Code relating to indictable offences apply to indictable offences created by an enactment, and all the provisions of that Code relating to summary conviction offences apply to all other offences created by an enactment, except to the extent that the enactment otherwise provides.

2. Section 21 of the Criminal Code: (1) Every one is a party to an offence who (a) actually commits it; (b) does or omits to do anything for the purpose of aiding any person to commit it; or (c) abets any person in committing it and (2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence. Section 22: (1) Where a person counsels another person to be a party to an offence and that other person is afterwards a party to that offence, the person who counselled is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled; (2) Every one who counsels another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling that the person who counselled knew or ought to have known was likely to be committed in consequence of the counselling and (3) For the purposes of this Act, "counsel" includes procure, solicit or incite. Section 24: (1) Every one who, having an intent to commit an offence, does or omits to do anything for the purpose of carrying out the intention is guilty of an attempt to commit the offence whether or not it was possible under the circumstances to commit the offence and (2) The question whether an act or omission by a person who has an intent to commit an offence is or is not mere preparation to commit the offence, and too remote to constitute an attempt to commit the offence, is a question of law.

3. Sub-section 21 (3.2)-(3.6) of the Criminal Code. Sub-section (3.2): Notwithstanding anything in this Act or any other Act, where (a) a person, outside Canada, receives, has in his possession, uses, transfers the possession of, sends or delivers to any person, transports, alters, disposes of, disperses or abandons nuclear material and thereby (i) causes or is likely to cause the death of, or serious bodily harm to, any person, or (ii) causes or is likely to cause serious damage to, or destruction of, property, and (b) the act or omission described in paragraph (a) would, if committed in Canada, be an offence against this Act, that person shall be deemed to commit that act or omission in Canada if paragraph (3.5)(a), (b) or (c) applies in respect of the act or omission. Sub-section (3.3): Notwithstanding anything in this Act or any other Act, every one who, outside Canada, commits an act or omission that if committed in Canada would constitute (a) a conspiracy or an attempt to commit, (b) being an accessory after the fact in relation to, or (c) counselling in relation to, an act or omission that is an offence by virtue of subsection (3.2) shall be deemed to commit the act or omission in Canada if paragraph (3.5)(a), (b) or (c) applies in respect of the act or omission. Sub-section (3.4): Notwithstanding anything in this Act or any other Act, every one who, outside Canada, commits an act or omission that if committed in Canada would constitute an offence against, a conspiracy or an attempt to commit or being an accessory after the fact in relation to an offence against, or any counselling in relation to an offence against, (a) section 334, 341, 344 or 380 or paragraph 362(1)(a) in relation to nuclear material, (b) section 346 in respect of a threat to commit an offence against section 334 or 344 in relation to nuclear material, (c) section 423 in relation to a demand for nuclear material, or (d) paragraph 264.1(1)(a) or (b) in respect of a threat to use nuclear material shall be deemed to commit that act or omission in Canada if paragraph (3.5)(a), (b) or (c) applies in respect of the act or omission. Sub-section (3.5):

For the purposes of subsections (3.2) to (3.4), a person shall be deemed to commit an act or omission in Canada if (a) the act or omission is committed on a ship that is registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament; (b) the act or omission is committed on an aircraft (i) registered in Canada under regulations made under the Aeronautics Act, or (ii) leased without crew and operated by a person who is qualified under regulations made under the Aeronautics Act to be registered as owner of an aircraft in Canada under those regulations; or (c) the person who commits the act or omission is a Canadian citizen or is, after the act or omission has been committed, present in Canada. Sub-section (3.6): For the purposes of this section, "nuclear material" means (a) plutonium, except plutonium with an isotopic concentration of plutonium-238 exceeding eighty per cent, (b) uranium-233, (c) uranium containing uranium-233 or uranium-235 or both in such an amount that the abundance ratio of the sum of those isotopes to the isotope uranium-238 is greater than 0.72 per cent, (d) uranium with an isotopic concentration equal to that occurring in nature, and (e) any substance containing anything described in paragraphs (a) to (d), but does not include uranium in the form of ore or ore-residue.

4. Sub-section (3.73)-(3.75) of the Criminal Code. Subsection (3.73): Notwithstanding anything in this Act or any other Act, every one who, outside Canada, commits an act or omission that, if committed in Canada, would constitute an offence against, a conspiracy or an attempt to commit an offence against, or being an accessory after the fact or counselling in relation to an offence against, section 83.02 is deemed to commit the act or omission in Canada if (a) the act or omission is committed on a ship that is registered or licensed, or for which an identification number has been issued, under an Act of Parliament; (b) the act or omission is committed on an aircraft (i) registered in Canada under regulations made under the Aeronautics Act, or (ii) leased without crew and operated by a person who is qualified under regulations made under the Aeronautics Act to be registered as the owner of an aircraft in Canada under those regulations; (c) the person who commits the act or omission (i) is a Canadian citizen, or (ii) is not a citizen of any state and ordinarily resides in Canada; (d) the person who commits the act or omission is, after its commission, present in Canada; (e) the act or omission is committed for the purpose of committing an act or omission referred to in paragraph 83.02(a) or (b) in order to compel the Government of Canada or of a province to do or refrain from doing any act; (f) the act or omission is committed for the purpose of committing an act or omission referred to in paragraph 83.02(a) or (b) against a Canadian government or public facility located outside Canada; or (g) the act or omission is committed for the purpose of committing an act or omission referred to in paragraph 83.02(a) or (b) in Canada or against a Canadian citizen. Sub-section (3.74): Notwithstanding anything in this Act or any other Act, every one who commits an act or omission outside Canada that, if committed in Canada, would be a terrorism offence, other than an offence under section 83.02 or an offence referred to in paragraph (a) of the definition "terrorist activity" in subsection 83.01(1), is deemed to have committed that act or omission in Canada if the person (a) is a Canadian citizen; (b) is not a citizen of any state and ordinarily resides in Canada; or (c) is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada. Sub-section (3.75): Notwithstanding anything in this Act or any other Act, every one who commits an act or omission outside Canada that, if committed in Canada, would be an indictable offence and would also constitute a terrorist activity referred to in paragraph (b) of the definition "terrorist activity" in subsection 83.01(1) is deemed to commit that act or omission in Canada if (a) the act or omission is committed against a Canadian citizen; (b) the act or omission is committed against a Canadian government or public facility located outside Canada; or (c) the act or omission is committed with intent to compel the Government of Canada or of a province to do or refrain from doing any act.

5. Sub-section (3.72) of the Criminal Code: Notwithstanding anything in this Act or any other Act, every one who, outside Canada, commits an act or omission that, if committed in Canada, would constitute an offence against, a conspiracy or an attempt to commit an offence against, or being an accessory after the fact or counselling in relation to an offence against, section 431.2 is deemed to commit that act or omission in Canada if (a) the act or omission is committed on a ship that is registered or licensed, or for which an identification number

has been issued, under any Act of Parliament; (b) the act or omission is committed on an aircraft (i) registered in Canada under regulations made under the Aeronautics Act, (ii) leased without crew and operated by a person who is qualified under regulations made under the Aeronautics Act to be registered as owner of an aircraft in Canada under those regulations, or (iii) operated for or on behalf of the Government of Canada; (c) the person who commits the act or omission (i) is a Canadian citizen, or (ii) is not a citizen of any state and ordinarily resides in Canada; (d) the person who commits the act or omission is, after the commission of the act or omission, present in Canada; (e) the act or omission is committed against a Canadian citizen; (f) the act or omission is committed with intent to compel the Government of Canada or of a province to do or refrain from doing any act; or (g) the act or omission is committed against a Canadian government or public facility located outside Canada. Relevant provisions are: Section 6 (offence): Every person commits an offence who, for any purpose prejudicial to the safety or interests of the State, approaches, inspects, passes over, is in the neighbourhood of or enters a prohibited place at the direction of, for the benefit of or in association with a foreign entity or a terrorist group; paras. 3(m) and (n): meaning of Aprejudice to safety or interest of the State@ : 3. (1) For the purposes of this Act, a purpose is prejudicial to the safety or interests of the State if a personÝ(m)contrary to a treaty to which Canada is a party, develops or uses anything that is intended or has the capability to cause death or serious bodily injury to a significant number of people by means of (i) toxic or poisonous chemicals or their precursors, (ii) a microbial or other biological agent, or a toxin, including a disease organism, (iii) radiation or radioactivity, or (iv) an explosion; or (n) does or omits to do anything that is directed towards or in preparation of the undertaking of an activity mentioned in any of paragraphs (a) to (m).

6. Sub-section 2(1) of the Security of Information Act defines a Aprohibited place@: (a) any work of defence belonging to or occupied or used by or on behalf of Her Majesty, including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war, (b) any place not belonging to Her Majesty where any munitions of war or any sketches, plans, models or documents relating thereto are being made, repaired, obtained or stored under contract with, or with any person on behalf of, Her Majesty or otherwise on behalf of Her Majesty, and (c) any place that is for the time being declared by order of the Governor in Council to be a prohibited place on the ground that information with respect thereto or damage thereto would be useful to a foreign power.

7. Relevant provisions are: sub-sections 16 and 18 (offences) - sub-section 16 (1): Every person commits an offence who, without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and (b) the person intends, by communicating the information, to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests or is reckless as to whether the communication of the information is likely to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests; sub-section 16 (2): Every person commits an offence who, intentionally and without lawful authority, communicates to a foreign entity or to a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and (b) harm to Canadian interests results; sub-section 18 (1): Every person with a security clearance given by the Government of Canada commits an offence who, intentionally and without lawful authority, communicates, or agrees to communicate, to a foreign entity or to a terrorist group any information that is of a type that the Government of Canada is taking measures to safeguard. Sub-sections 22 and 23 (preparatory acts); sub-section 22 (1): Every person commits an offence who, for the purpose of committing an offence under subsection 16(1) or (2), 17(1), 19(1) or 20(1), does anything that is specifically directed towards or specifically done in preparation of the commission of the offence, including (a) entering Canada at the direction of or for the benefit of a foreign entity,

a terrorist group or a foreign economic entity; (b) obtaining, retaining or gaining access to any information; (c) knowingly communicating to a foreign entity, a terrorist group or a foreign economic entity the person's willingness to commit the offence; (d) at the direction of, for the benefit of or in association with a foreign entity, a terrorist group or a foreign economic entity, asking a person to commit the offence; and (e) possessing any device, apparatus or software useful for concealing the content of information or for surreptitiously communicating, obtaining or retaining information; sub-section 23: Every person commits an offence who conspires or attempts to commit, is an accessory after the fact in relation to or counsels in relation to an offence under this Act and is liable to the same punishment and to be proceeded against in the same manner as if he or she had committed the offence; sub-section 26 (extraterritoriality) - 26. (1): A person who commits an act or omission outside Canada that would be an offence against this Act if it were committed in Canada is deemed to have committed it in Canada if the person is (a) a Canadian citizen; (b) a person who owes allegiance to Her Majesty in right of Canada; (c) a person who is locally engaged and who performs his or her functions in a Canadian mission outside Canada; or (d) a person who, after the time the offence is alleged to have been committed, is present in Canada.